

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005

Division: County Attorney

Bulk Item: Yes ☒ No ☐

Staff Contact Person: Pedro Mercado

AGENDA ITEM WORDING: Authority to initiate litigation against Florida Detroit Diesel and, if appropriate, negotiate settlement.

ITEM BACKGROUND: The county ordered 11 mobile diesel generators from Florida Detroit Diesel. During fueling operations of the 8th diesel generator in sequence, a fuel spill occurred. A subsequent investigation revealed that the generator had been delivered with the fuel tank drain plug missing. An investigation of the remaining 3 generators yet to be fueled revealed that 2 of the 3 were also missing the fuel tank drain plug. The county incurred clean up costs totaling \$4,905. The county office of risk management contacted Florida Detroit Diesel on 2 separate occasions before forwarding the file to the county attorney. On November 15, 2004 a 15 day demand letter was sent to Florida Detroit Diesel by the county attorney's office asking them to contact us in an effort to resolve the matter without litigation. To date there has been no response.

PREVIOUS RELEVANT BOCC ACTION:

None

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes ☐ No ☐

COST TO COUNTY: _____

SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes ☐ No ☐ **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty *[Signature]* OMB/Purchasing _____ Risk Management _____

DIVISION DIRECTOR APPROVAL:

John Collins 01/31/05
(TYPE NAME HERE)

DOCUMENTATION: Included ☐

Not Required ☒

DISPOSITION: _____

AGENDA ITEM # _____